

INTRODUCTION

Given today's global trade and marketing system the likelihood of finding non-compliant WPM is possible in any pathway. There are many non-compliant WPM instances documented by Agriculture Specialists at Ports of entry (POE) within the US including WPM types such as miscellaneous products, animal products, and plant products.

While reviewing this material any inquiries should be directed to Customs and Border Protection (CBP), Agriculture Programs and Trade Liaison (APTL) regarding this information.

Let's get started.

Overview

- ❖ How does this affect you?
- ❖ The importance of WPM regulations
- ❖ Compliant WPM
- ❖ Non-Compliant WPM
- ❖ How can you comply with ISPM 15?



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OVERVIEW

Includes: A Snapshot of the devastating ecological and economic damages caused of invasive forest pests now in the US from Non-compliant WPM.

How does this affect you?

The purpose/importance of WPM regulations

Compliant WPM

Non-Compliant WPM

What you as a stakeholder can do to comply with ISPM 15

Photo from Blaine POE of Cerambycidae larvae extracted from WPM housing a shipment of auto parts.

How does this affect you?

Threats posed by Violative WPM

- ❖ Significant pest risk
- ❖ Billions of dollars of damage
- ❖ Increased costs



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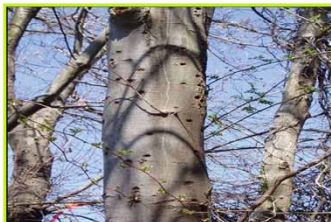
Why are we concerned?

Threats posed by Violative WPM are:

- Significant pest risk, billions of dollars of damage and increase costs incurred by you. Discuss the significant pest risk associated with violative Wood Packaging Material (WPM) and the danger to American Agriculture and forests.
- Unchecked spread of wood boring pests could cause billions of dollars of damage to ornamental trees and forests and lumber industries
- Trading partners could experience increased costs due to violative WPM

Photo of discarded wooden pallets at a wood bark mulch facility in Pennsylvania.
Photo courtesy of SCBPAS Matt Farmer.

How does this affect you?



Asian Longhorn Beetle Damage



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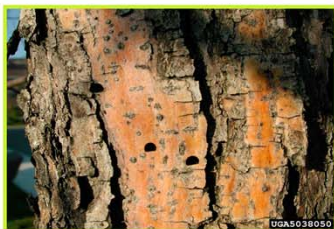
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Why are we concerned?

- Ecological and Economic Impact of Asian Longhorn Beetle
- If the beetle spreads out of its current urban environment into natural forests, it has the potential to seriously alter the ecological diversity of the natural forests in North America, with additional impacts on wetlands. The potential impact to forests is the loss of 71 billion trees valued at over \$2 trillion dollars (Government Accountability Office (GAO) 2006).
- A further impact of Asian Longhorn Beetle in the United States is the cost of eradication measures. Collectively, from 1997 to 2006, APHIS and the states of New York, Illinois and New Jersey and local government agencies have spent more than \$800 million on ALB eradication measures (Smith and Wu 2008).

How does this affect you?



Emerald Ash Borer Damage



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Why are we concerned?

- Ecological and Economic Impact of Emerald Ash Borer

As of 2011 over 50 million trees have been cut down due EAB. EAB probably arrived in the United States on WPM carried in cargo ships or airplanes originating in its native Asia. EAB is also established in Windsor, Ontario, and was found in Ohio in 2003, northern Indiana in 2004, northern Illinois and Maryland in 2006, western Pennsylvania and West Virginia in 2007, Wisconsin, Missouri, and Virginia in the summer of 2008, Minnesota, New York, Kentucky in the spring of 2009, Iowa in the spring of 2010, Tennessee in the summer of 2010, and now has been detected in Connecticut, Kansas, and Massachusetts during the summer of 2012.

- EAB has killed tens of millions of ash trees in various states within the United States
- Caused regulatory agencies and the USDA to enforce quarantines and fines to prevent potentially infested ash trees, from moving out of areas where EAB occurs
- Costs municipalities, property owners, nursery operators and forest products industries tens of millions of dollars

How does this affect you?



Through 2011, over 50 million trees have been cut down due to Emerald Ash Borer infestation.



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Why are we concerned?

- When Emerald Ash Borer (EAB) was found initially in 2002 the insect had already spread over 2500 sq. miles in Michigan.
- As of 2011, over 50 million trees have been cut down due EAB infestation. EAB has spread into the Midwest, and previous named states within the US.
- EAB causes the death of the trees which in turn fall onto power lines that causes extensive power outages during storms.
- Losses are estimated in the tens of millions of dollars.
- The photographs show the damage done in Canton Township, Detroit, Michigan where ironically ash trees were planted to replace the elms, previously destroyed by Dutch Elm Disease.

WPM Regulations

International Standards for Phytosanitary Measures (ISPM 15) – Regulation for Wood Packaging Material in International Trade

- ❖ Wood may be infested
- ❖ WPM a viable pathway for pest introduction
- ❖ Intent – significantly reduce the risk of introduction and spread of most quarantine pests associated with WPM



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Basis standards for WPM Regulations

- International Standards for Phytosanitary Measures (ISPM 15) – Regulation for Wood Packaging Material in International Trade.
- Wood originating from living or dead trees may be infested by plant pests.
- WPM is frequently made of raw wood that may not have undergone sufficient processing or treatment to remove or kill pests and therefore remains a pathway for the introduction and spread of quarantine pests.
- Dunnage in particular has been shown to present a high risk of introduction and spread of quarantine pests.
- WPM is very often reused, repaired or remanufactured.
- The true origin of any piece of wood packaging material is difficult to determine, and thus its phytosanitary status cannot easily be ascertained.
- Therefore, the normal process of undertaking pest risk analysis to determine if measures are necessary, and the strength of such measures, is frequently not possible for WPM.
- For this reason, this IPPC standard (ISPM 15) describes internationally accepted measures that may be applied to WPM by countries to reduce significantly the risk of introduction and spread of most quarantine pests that may be associated with that material.

WPM Regulations

Wood packaging material is defined as:

Wood or wood products (excluding paper products) used in supporting, protecting, or carrying a commodity (includes dunnage).



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Definition of WPM

- Wood or wood products (excluding paper products) used in supporting, protecting, or carrying a commodity (includes dunnage).

WPM Regulations

Examples of wood packaging material include, but is not limited to:

Bins	Boxes	Bracing
Cases	Containers	Crates
Cratings	Drums	Dunnage
Load Boards	Pallets	Pallet collars
Reels	Skids	



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Examples of types of WPM

- Different types of wood packaging material used to import agricultural and non-agricultural products.
 - Bins
 - Boxes
 - Bracing
 - Cases
 - Containers
 - Crates
 - Cratings
 - Drums
 - Dunnage
 - Load Boards
 - Pallets
 - Pallet collars
 - Reels
 - Skids

WPM Regulations

In general, WPM does not include:

- ❖ WPM made entirely from thin wood 6 mm or less in thickness.
- ❖ WPM made wholly of processed wood material, such as plywood, particle board, oriented strand board or veneer that has been created using glue, heat or pressure, or a combination thereof.
- ❖ Sawdust, wood shavings and wood wool.



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Examples of: What is not WPM

- In general, WPM does not include:
 - WPM made entirely from thin wood 6 mm or less in thickness;
 - WPM made wholly of processed wood material, such as:
 - plywood,
 - particle board,
 - oriented strand board or veneer that has been created using glue, heat or pressure, or a combination thereof.
 - Sawdust;
 - Wood shavings; and,
 - Wood wool.

Examples of WPM



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Examples of WPM

Found in all environments and all pathways.

- Pallets
- Boxes
- Bracing

Examples of WPM Bracing/Dunnage



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Examples of WPM

- Discarded Bracing/Dunnage from a maritime vessel

Examples of WPM

Dunnage / Bracing



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Examples of WPM

- Dunnage/Bracing from maritime vessels

Examples of WPM

Crates



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EXAMPLES of WPM

- Crates – Found in all environments and all pathways, pictured here with non-agricultural products.

Examples of WPM

Crates



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EXAMPLES of WPM

- Crates – Found in all environments and all pathways. This is an example of agricultural product (melons) shipped in crates.

Examples of WPM

Bracing



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EXAMPLES of WPM

- Bracing – Found in all environments and all pathways.

Examples of WPM

Bracing



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EXAMPLES of WPM

- Bracing – Found in all environments and all pathways.

Examples of WPM

Pallets



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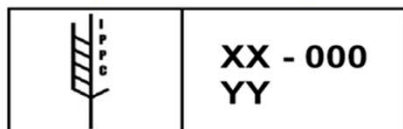


EXAMPLES of WPM

- Pallets- Found in all environments and all pathways.

Compliant WPM

Valid logo



- ❖ Valid IPPC logo
- ❖ No presence of WPM pests
- ❖ No indication of WPM pests

No Pests



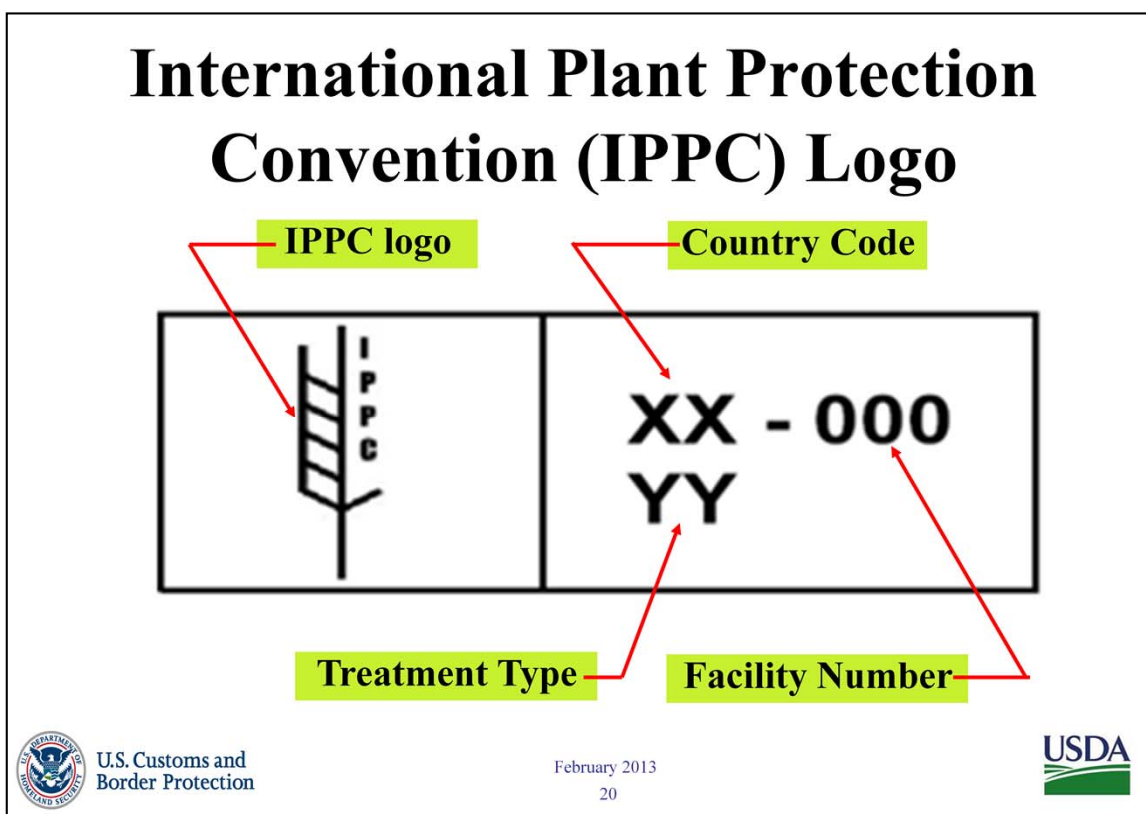
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Compliant WPM Must Have

- Official Components of the ISPM 15 Standard for the mark on the wood – No paper certification is required.
- Valid logo with no pest or pest risk presence.



INTERNATIONAL PLANT PROTECTION CONVENTION IPPC Logo

- A multilateral international treaty dealing with preventing the spread and introduction of plant pests with 163 Signatory governments formed through the Food and Agriculture Organization (FAO) of the United Nations
- Two (2) Treatment/Processing Options:
 - Heat Treatment (HT)
 - Fumigation with Methyl Bromide (MB)
- Accepted by all signatory countries, for all types of wood allowing for free movement of WPM regardless of country of origin
- Official Components of the ISPM 15 Standard for the mark on the wood – No paper certification is required
 - IPPC logo
 - XX signifies the two-letter country code
 - 000 signifies the unique facility number within the country
 - YY signifies either the method of treatment HT or MB
- WPM that is marked and certified in compliance with ISPM 15 may be reused regardless of country of origin
- ISPM 15 compliant WPM that has been **repaired or remanufactured** must be **recertified** under the HT or MB options

Correct IPPC Logo



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A Correct IPPC Logo consists of:

- WPM that is encountered by CBP during the course of inspection and found to be properly marked, no presence of WPM pests, no evidence of WPM pests and has been treated by either of the approved methods identified under 7 C.F.R §319.40-3(b)(1).

Correct IPPC Logo

- ❖ An acceptable WPM mark illustrating a correct IPPC Logo



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Correct IPPC Logo

Here is another example of a correct IPPC Logo.

- WPM that is encountered by CBP during the course of inspection and found to be properly marked, no presence of WPM pests, no evidence of WPM pests and has been treated by either of the approved methods identified under 7 C.F.R §319.40-3(b)(1).

Pests of Concern

Buprestidae	Metallic beetles
Cerambycidae	Long horned beetles
Cossidae	Carpenter moths & Leopard moths
Curculionidae	Bark weevils
Platypodidae	Pinhole borers
Scolytidae	Bark beetles (most common intercept)
Sesiidae	Clearwing moths
Siricidae	Wood wasps



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Pests of Concern:

This is a list of the eight (8) families of plant pests of concern which are associated with WPM. Infestation of WPM by any one of these eight families confirms that the WPM was not treated in accordance with 7CFR 319.40-3(b)(1).

- Buprestidae – Metallic beetles (Ex: Emerald ash borer)
- Cerambycidae – Long horned beetles (Ex: Asian longhorn beetle) **2nd most** prevalent interception found by CBP on non-compliant WPM
- Cossidae – Carpenter moths & leopard moths
- Curculionidae – Bark weevils
- Platypodidae – Pinhole borers
- Scolytidae – Bark beetles – **Most** prevalent interception found by CBP on noncompliant WPM
- Sesiidae – Clearwing moths
- Siricidae – Wood wasps

Comparative Insect Sizes



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Comparative Insect Sizes

- Please see pests size at various life stages. On the pencil tip there is an adult pest (Bark Beetle) and on the penny there is a small non adult larvae (Metallic Beetle) and somewhat larger size Wood Wasp larvae measured by the ruler to reflect the various sizes for all. All of these pests are associated with WPM.

Pests of Concern



Pests of Concern

- Adults and larvae are found on non-compliant WPM. Here are a few examples of some adult plant pests.

Commodities with Highest Incidence of WPM Pests



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Top Commodities Found with Infested WPM

- A Wood Crate filled with fresh fruits
- Pallets
- Heavy products on pallets

Commodities with Highest Incidence of WPM Pests

Top High Risk Commodities

- ❖ Manifested WPM
- ❖ Machinery (including Auto Parts)



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Top High Risk Commodities Found on Infested WPM

- Manifested WPM
- Machinery

Commodities with Highest Incidence of WPM Pests

Top High Risk Commodities

- ❖ Metal Products
- ❖ Stone Products (including tile)



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Top High Risk Commodities Found on Infested WPM

- Metal Products
- Stone Products

Commodities with Highest Incidence of WPM Pests



Additional High Risk Commodities

1. Electronics/Electronic Components
2. Finished Wood Articles
3. Plant Products and Foodstuffs



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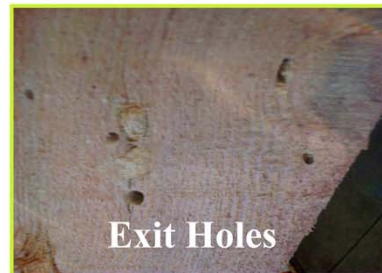
Addition High Risk Commodities:

- Electronics/ Electronic Components
- Finished Wood Articles
- Plant Products and Foodstuffs (packaging material)

Left photo of a shipment of rustic furniture with feeding damage from Cerambycidae at the Nogales POE.

Left bottom photo of a shipment of Kabocha Squash in wooden crates infested with Scolytidae at the Nogales POE.

Indicators of WPM Pest Presence



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Indicators of WPM Pest Presence

- Large round exit holes
- Feeding damage
- “Engravings”
- Snake-like trails

Indicators of WPM Pest Presence



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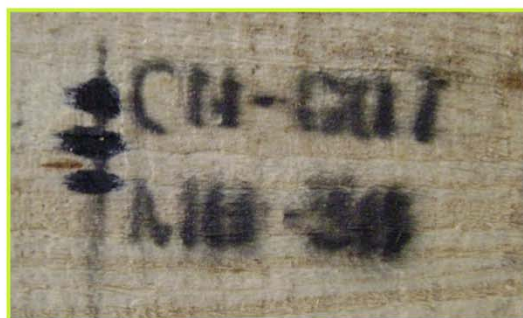
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Indicators of WPM Presence

- Presence of frass (looks like sawdust)

Non-Compliant WPM



❖ Inappropriately marked WPM



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Non-Compliant WPM

- WPM that is encountered by CBP during the course of inspection and found to be inappropriately marked or illegibly marked is assumed to be untreated by either of the approved methods identified under 7 C.F.R §319.40-3(b)(1).
- This is an example of inappropriately marked WPM.

Non-Compliant WPM



❖ Inappropriately marked WPM



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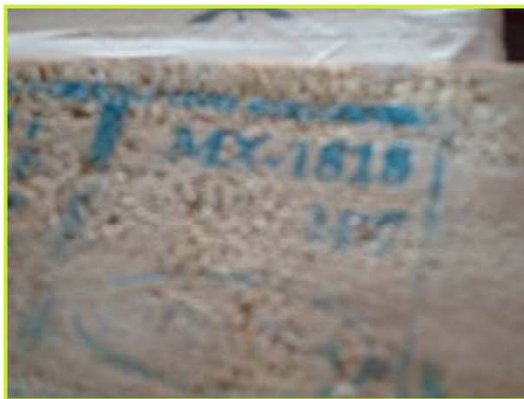
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Non-Compliant WPM

- WPM that is encountered by CBP during the course of inspection and found to be inappropriately marked or illegibly marked is assumed to be untreated by either of the approved methods identified under 7 C.F.R §319.40-3(b)(1).
- This is another example of inappropriately marked WPM.

Non-Compliant WPM



❖ Inappropriately marked WPM



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Non- Compliant WPM

- WPM that is encountered by CBP during the course of inspection and found to be inappropriately marked or illegibly marked is assumed to be untreated by either of the approved methods identified under 7 C.F.R §319.40-3(b)(1).
- Another example of inappropriately marked WPM.

Non-Compliant WPM



❖ Unmarked WPM



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Non-Compliant WPM (more examples)

- WPM that is encountered by CBP during the course of inspection and found not bearing the required treatment and markings required under 7 C.F.R. §319.40-3(b)(1) and C.F.R. §319.40-3(b)(2).

Non-Compliant WPM



❖ Unmarked WPM



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Non-Compliant WPM (more examples)

- Unmarked WPM that is encountered by CBP during the course of inspection and found not bearing the required treatment and markings required under 7 C.F.R. §319.40-3(b)(1) and C.F.R. §319.40-3(b)(2).

Non-Compliant WPM



❖ Unmarked WPM



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Non-Compliant WPM (more examples)

- Unmarked WPM that is encountered by CBP during the course of inspection and found not bearing the required treatment and markings required under 7 C.F.R. §319.40-3(b)(1) and C.F.R. §319.40-3(b)(2).

Non-Compliant WPM

- ❖ Infested with or shows evidence of pest



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Non-Compliant WPM

- WPM that is infested with a named pest confirms that the WPM has not been treated in accordance with 7 C.F.R §319.40-3(b)(1).
- These are examples of pest infested WPM.

Non-Compliant WPM

- ❖ Infested with or shows evidence of pest



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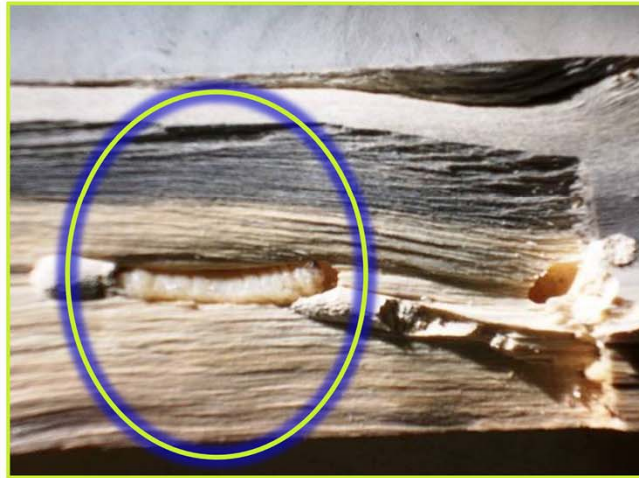


Non-Compliant WPM

- This is another example of WPM infested with a pest.

Non-Compliant WPM

- ❖ Infested with or shows evidence of pest



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Non-Compliant WPM

- This is another example of WPM infested with a pest.

Non-Compliant WPM



❖ Bark



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Non-Compliant WPM

- Unmarked WPM with bark.

Non-Compliant WPM



❖ Bark



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Non-Compliant WPM

- This is another example of WPM with bark.
- The non-compliant pallets were labeled with a prepared statement from the shipper indicating that they were made from plywood and complies with the IPPC standard for wood packaging materials. Upon further inspection, the pallets were found to actually be composed of solid wood *concealed* by an outer veneer sheet.

New/Old/Mixed WPM



Condition of WPM

- ❖ New
 - Fresh; green; sap visible
 - High pest probability
- ❖ Old
 - Very low moisture content, re-used
 - Visually damaged
 - Low pest probability
- ❖ Mixed
 - Combination of above

Here is an example of New/Old Mixed WPM

- New
 - Fresh, green cut sap visible
 - Higher pest probability
- Old
 - Very low moisture content, re-used
 - Visually damaged
 - Lower pest risk
- Mixed
 - Combination of above

CBP Authorities on Non-Compliant WPM

❖ Assessing liquidated damages for failure to comply with the Emergency Action Notifications (EANs):

- ❑ 19 CFR § 113.62 (e)
- ❑ 19 CFR § 113.62 (g)
- ❑ 19 CFR § 113.63 (a)(1)
- ❑ 19 CFR § 113.64 (b)
- ❑ 19 CFR § 151.16



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CBP Authority on Non-Compliant WPM

Assessing liquidated damages shall be used in cases where there is failure to comply with the EAN. If an entry was made and the shipment was released after an EAN was issued then the liquidated damages would be against the importer under 19 CFR 113.62 (e). If an entry was made and the shipment was not conditionally released after an EAN and the importer failed to comply with EAN then the liquidated damages would be against the importer under 19 CFR 113.62 (g). If the shipment was detained after an EAN was issued then the liquidated damages would be addressed under 19 CFR 151.16 (Detention of Merchandise). However if an entry was not made and carrier failed to comply with the EAN then the liquidated damages would be addressed under 19 CFR 113.64 (B). If other than the carrier or the importer failed to comply with the EAN and the party is responsible under the custodial bond the damages shall be 3(x) the entered value of the merchandise under 19 CFR 113.63 (a)(1).

Assessing penalties in addition to claims for liquidated damages for attempts to conceal a violation of WPM 19 USC 1592 or 1595a(b) and/or for having continuous documented violations more than 5 over one fiscal year period nationally.

CBP Authorities on Non-Compliant WPM

❖ Assessing penalties for attempts to conceal a violation of WPM and/or for having more than five (5) continuous documented WPM violations over one fiscal year nationally:

❑ **19 USC 1592**

❑ **19 USC 1595 a (b)**



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CBP Authority on Non- Compliant WPM

- CBP has the authority to assess penalties in addition to claims for liquidated damages for attempts to conceal a violation of WPM 19USC 1592 or 1595a(b); and for having more than five continuous documented WPM violations over one fiscal year nationally.

Additional CBP Authority

❖ Recalling merchandise released from CBP's custody

❑ **19 CFR § 141. 113**



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Additional CBP Authority

- 19 CFR 141.113, CBP has the authority to recall merchandise already released from CBP custody.

What Can You Do to Comply with ISPM 15 ?

- ❖ Require ISPM 15 compliant wood packaging material in the exporter's contract
- ❖ Educate your supply chain on the ISPM 15 requirements
- ❖ Know alternatives to WPM – Cost Benefit Analysis
- ❖ Remember there is a financial cost for non-compliance



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What can Your Business Do to Comply with ISPM 15?

- Non-compliance can be a serious problem for your ocean freight export or import
- Ask your WPM provider if they are ISPM 15 compliant
- Provide information on the ISPM 15 standard
- Give them contact information regarding how to become compliant (websites, contact numbers)
- Alternatives to WPM:
 - Plastic or metal pallets
 - Pallets and crating manufactured from manufactured wood products (OSB, Plywood, Cardboard)
- Do a cost benefit analysis if considering alternatives to wood packaging materials
- Be aware of US and foreign countries' timelines for implementation
- Realize there is financial cost to the supply chain and potential ecological cost to the natural resources of the United States

Benefits of Compliance

- ❖ Fewer delays for cargo release
- ❖ Less demurrage charges due to cargo holds
- ❖ Avoid the expense of having your warehouses, quarantined, tarped and fumigated



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Benefits of Compliance

- Fewer delays for cargo release
- Less demurrage charges due to cargo holds
- Avoid the expense of having your warehouses, quarantined, tarped and fumigated

Cost of Non-Compliance

- ❖ WPM that does not have the ISPM 15 stamp must be exported
- ❖ WPM with the ISPM 15 stamp but found to contain a wood boring insect must be exported
- ❖ WPM with the ISPM 15 stamp but found with a hitchhiking pest (non-wood boring) may be fumigated by APHIS/PPQ



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Cost of Non-Compliance

- WPM that does not have the ISPM 15 stamp must be exported
- WPM that has the ISPM15 stamp but is found to contain a wood boring pest must be exported
- WPM that has the ISPM 15 stamp but is found with a hitchhiking pest (non wood boring) may be fumigated by APHIS/PPQ

Please check the APHIS website dedicated to WPM for updates on WTO notifications or contact an APHIS official:

http://www.aphis.usda.gov/import_export/plants/plant_imports/wood_packaging_materials.shtml

Why self-report Non-Compliant WPM after entry into the US?

- ❖ Foster trusting partnerships for safeguarding against violative WPM
- ❖ Consistent self-reporting may lead to mitigating factors in the event of civil penalties or liquidated damages related to violative WPM
- ❖ Those stakeholders may potentially increase business certainty due to their internal controls



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Why Self-Report Non-Compliant WPM?

Self-reporting by industry would assist CBP in their efforts in continuing to protect American's agriculture even after shipments has entered into the United States for further detection of agricultural risks.

Benefits to Industry on Self-Reporting Non-Compliant WPM?

- By implementing self-reporting practices for WPM, importers demonstrate to CBP that they can be trusted partners for safeguarding against violative WPM.
- This translates into substantial monetary savings.
- Consistent self-reporting may also be considered as mitigating factor in the event of civil penalties or liquidated damages related to non-compliant WPM.
- Importers will have increased business certainty because a system of internal control helps to ensure compliant transactions.

What action can you take on WPM if encountered at your location?

❖ Follow through with the **SIN** principle

○ **S**= secure

○ **I**= isolate

○ **N**=notify

❖ Foreign- Customs and Border Protection

❖ Domestic- Plant Protection and Quarantine



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Here is an action that you can take; SIN

- Adhere to the SIN principle Secure, Isolate, and Notify.
- Secure: If there are pests or evidence of a pest, cover the shipment with tarp or shrink wrap. If possible, return the shipment to a container and seal the container door.
- Isolate: Separate the shipment or container from compliant shipments.
- Notify: Contact your local CBP office or PPQ office to advise of the non-compliant WPM.
- If it is a foreign shipment, then CBP is the regulator.
- If it is a domestic shipment, then USDA is the regulator.
- In any instance in or around the port of entry, contact CBP and CBP can refer to USDA.

Wood Packaging Material Review

- ❖ Ecological and Economic Impact
- ❖ Purpose and Importance of WPM Regulations
- ❖ Quarantine Pests of Concern
- ❖ Examples of Violative WPM
- ❖ What can you do



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WPM Review

- Ecological and Economic Impact of infested WPM
- Purpose and Importance of WPM Regulations
- Quarantine WPM Pests of Concern
- Examples of Violative WPM
- What you can do to reduce the risk posed by WPM pests

Note: If you or your employees find Wood Boring insects or wood packaging material that is inappropriately marked, unmarked or shows signs of insect activity please keep it in a secure location, preferably a sea container or trailer and contact U.S. Customs and Border Protection and ask to speak to an Agriculture Specialist. Provide them with all the location information and what you have found or suspect so prompt quarantine action can be taken.

- The local Port of Entry U.S. Customs and Border Protection Office.

For More Information Contact:

Department of Homeland Security
U.S. Customs and Border Protection
Agriculture Programs and Trade Liaison

APTL Program Manager - Safeguarding

Office: (202) 344-3298

Address: DHS, CBP, OFO, APTL
300 Pennsylvania Ave., NW
Room 2.5B
Washington, D.C. 20229



U.S. Customs and
Border Protection

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For more Information Contact:

- The National Headquarters Office in Washington D.C.